

Remarks

Reconsideration of this application, as amended, is respectfully requested.

The specification is being amended to correct the priority claim. No new matter is being added.

The Office Action rejected claims 1-12, 14-38 and 40-43 under 35 U.S.C. 103(a) over Goldhaber, U.S. Patent 5,794,210 (hereinafter, "Goldhaber"). The Office Action admitted that Goldhaber does not disclose a method wherein a filter to control advertisements directed at a user includes user-established settings for rewards thresholds, and attempted to cure this deficiency by relying on "Official Notice" of certain allegedly common practices in "the industry." As elaborated herebelow, the rejection should be withdrawn because (1) the noticed "fact" is not common knowledge or well known in the art and (2) the combination of Goldhaber with what the Office Action asserts to be common practice does not yield the claimed invention.

(1) The Office Action's Official Notice is not properly based upon common knowledge

The Office Action provided no evidence for the assertion that "it is common practice in the art for a user to agree to perform a duty, such as reading or viewing an ad, for a specific amount of money that he himself sets or establishes before he actually performs the task." On the contrary, prior art advertising systems do not allow setting a filter to control advertisements directed at a user, wherein said filter includes user-established settings for rewards thresholds, as recited in the independent claims of the instant application. Indeed, both the instant application at ¶¶005-007, and Goldhaber at col. 1, l. 15 through col. 3, l. 40, provide compelling evidence that prior art advertising systems lack this claimed feature. Accordingly, the assertion of Official Notice is traversed and the rejection should be withdrawn. MPEP 2144.03 C.

(2) The combination of Goldhaber with what the Office Action asserts to be common practice does not yield the claimed invention

The Office Action asserted that "it is common practice in the art for a user to agree to perform a duty, such as reading or viewing an ad, for a specific amount of money that he himself sets or establishes before he actually performs the task." Even if this assertion were true, adding this practice to the disclosure of Goldhaber does not yield the present invention. Goldhaber

describes a system that provides an incentive for a user to read an advertisement from an advertiser, but that system does not allow the user to control advertisements directed at the user by setting a filter wherein said filter includes user-established settings for rewards thresholds. The "common practice" alleged by the Office Action fails to cure this deficiency. At most, combining this "common practice" with Goldhaber would result in a system wherein a user declines to read or respond to an advertisement after the advertisement has already been presented to the user. The Goldhaber reference, even combined with the alleged "common practice" does not result in the claimed method comprising setting a filter to control advertisements, wherein said filter includes user-established settings for rewards thresholds.

As a result, independent claims 1, 2 and 35 and their respective dependent claims (claims 3-12, 14-34, 36-38 and 40-43) are all patentable under 35 U.S.C. 103(a) over Goldhaber.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,
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